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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-979, C-570-980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Notice of Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the Antidumping and Countervailing Duty Orders in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

SUMMARY: Based on a request from Goal Zero LLC (Goal Zero), the Department of Commerce (Commerce) is initiating changed circumstances reviews to consider the possible revocation, in part, of the antidumping duty (AD) and countervailing duty (CVD) orders on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China (China) with respect to certain solar panels, as described below.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Eli Lovely, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1593.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, Commerce published AD and CVD orders on certain crystalline silicon photovoltaic cells, whether or not assembled into modules, from China.¹ On April 17,

¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 77 FR 73018 (December 7, 2012) and *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Countervailing Duty Order*, 77 FR 73017 (December 7, 2012) (collectively, *Orders*).

2018, Goal Zero, an importer of the subject merchandise, requested, through a changed circumstances review, revocation, in part, of the *Orders* pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(b),² with respect to certain off-grid solar panels. On May 4, 2018, SolarWorld Americas, Inc. (the petitioner) submitted a letter stating that it did not oppose the partial revocation proposed by Goal Zero.³ On May 14, 2018, we issued a supplemental questionnaire to Goal Zero,⁴ to which it responded on May 23, 2018.⁵ On May 30, 2018,⁶ and again on June 29, 2018, we extended the deadline for determining whether to initiate the requested changed circumstances.⁷ The current deadline is July 16, 2018.⁸ On July 9, 2018, we received revised proposed partial revocation language from Goal Zero.⁹

Scope of the *Orders*

The merchandise covered by the *Orders* is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.

The *Orders* cover crystalline silicon photovoltaic cells of thickness equal to or greater than 20 micrometers, having a p/n junction formed by any means, whether or not the cell has

² See Goal Zero's Letter, "Goal Zero LLC's Request for a Changed Circumstances Review," dated April 17, 2018.

³ See SolarWorld's Letter, "Support for Goal Zero LLC's Request for a Changed Circumstances Review," dated May 4, 2018.

⁴ See Commerce's Letter, dated May 14, 2018.

⁵ See "Goal Zero LLC's Response to Additional Questions Regarding the Changed Circumstances Reviews," dated May 23, 2018.

⁶ See Commerce's Letter, dated May 30, 2018.

⁷ See Commerce's Letter, dated June 29, 2018.

⁸ *Id.*

⁹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Comments on Goal Zero LLC's Request for a Changed Circumstances Review*, dated July 9, 2018; see also *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from The People's Republic of China; Goal Zero LLC's Comments Regarding the Proposed Scope of the Changed Circumstances Reviews*, dated July 9, 2018.

undergone other processing, including, but not limited to, cleaning, etching, coating, and/or addition of materials (including, but not limited to, metallization and conductor patterns) to collect and forward the electricity that is generated by the cell.

Merchandise under consideration may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, modules, laminates, panels, building-integrated modules, building-integrated panels, or other finished goods kits. Such parts that otherwise meet the definition of merchandise under consideration are included in the scope of the *Orders*.

Excluded from the scope of the *Orders* are thin film photovoltaic products produced from amorphous silicon (a-Si), cadmium telluride (CdTe), or copper indium gallium selenide (CIGS).

Also excluded from the scope of the *Orders* are crystalline silicon photovoltaic cells, not exceeding 10,000mm² in surface area, that are permanently integrated into a consumer good whose function is other than power generation and that consumes the electricity generated by the integrated crystalline silicon photovoltaic cell. Where more than one cell is permanently integrated into a consumer good, the surface area for purposes of this exclusion shall be the total combined surface area of all cells that are integrated into the consumer good.

Additionally, excluded from the scope of the *Orders* are panels with surface area from 3,450 mm² to 33,782 mm² with one black wire and one red wire (each of type 22 AWG or 24 AWG not more than 206 mm in length when measured from panel extrusion), and not exceeding 2.9 volts, 1.1 amps, and 3.19 watts. For the purposes of this exclusion, no panel shall contain an internal battery or external computer peripheral ports.

Modules, laminates, and panels produced in a third-country from cells produced in the PRC are covered by the *Orders*; however, modules, laminates, and panels produced in the PRC from cells produced in a third-country are not covered by the *Orders*.

Merchandise covered by the *Orders* is currently classified in the Harmonized Tariff System of the United States (HTSUS) under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Orders* is dispositive.¹⁰

Proposed Revocation of the *Orders*

Goal Zero proposes that the *Orders* be revoked, in part, with respect to with certain off-grid solar panels. Goal Zero submitted its most recent proposed scope revocation language on July 9, 2018.¹¹ Should Commerce determine to revoke the *Orders*, in part, Goal Zero proposes that Commerce exclude the following products:

- 1) off-grid CSPV panels in rigid form with a glass cover, with the following characteristics:
 - (A) a total power output of 100 watts or less per panel;
 - (B) a maximum surface area of 8,000 cm² per panel;
 - (C) do not include a built-in inverter;
 - (D) must include a permanently connected wire that terminates in either an 8mm male barrel connector, or a two-port rectangular connector with two pins in square housing of different colors;
 - (E) must include visible parallel grid collector metallic wire lines every 1-4 millimeters across each solar cell; and
 - (F) must be in individual retail packaging (for purposes of this provision, retail packaging typically includes graphics, the product name, its description and/or features, and foam for transport); and
- 2) off-grid CSPV panels without a glass cover, with the following characteristics:
 - (A) a total power output of 100 watts or less per panel;
 - (B) a maximum surface area of 8,000 cm² per panel;

¹⁰ See *Orders*, 77 FR at 73018-73019, 77 FR at 73017 (footnote omitted).

¹¹ See *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules from The People's Republic of China; Goal Zero LLC's Comments Regarding the Proposed Scope of the Changed Circumstances Reviews*, dated July 9, 2018.

- (C) do not include a built-in inverter;
- (D) must include visible parallel grid collector metallic wire lines every 1-4 millimeters across each solar cell; and
- (E) each panel is
 1. permanently integrated into a consumer good;
 2. encased in a laminated material without stitching, or
 3. has all of the following characteristics: (i) the panel is encased in sewn fabric with visible stitching, (ii) includes a mesh zippered storage pocket, and (iii) includes a permanently attached wire that terminates in a female USB-A connector.

Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the *Orders* in Part

Pursuant to section 751(b) of the Act, Commerce will conduct a changed circumstances review upon receipt of a request from an interested party¹² that shows changed circumstances sufficient to warrant a review of an order. In accordance with 19 CFR 351.216(d), Commerce determines that the information submitted by Goal Zero, and the petitioner's affirmative statement of no interest in the *Orders* with respect to the products described by Goal Zero, constitutes sufficient evidence to conduct changed circumstances reviews of the *Orders*.

Section 782(h)(2) of the Act and 19 CFR 351.222(g)(1)(i) provide that Commerce may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order, in whole or in part. In addition, in the event Commerce determines that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits Commerce to combine the notices of initiation and preliminary results. In its administrative practice, Commerce has interpreted "substantially all" to mean producers accounting for at least 85 percent of the total U.S. production of the domestic like product covered by the order.¹³

¹² Goal Zero stated in its April 17, 2018 CCRs request that it is an importer of subject merchandise. As such, Goal Zero is an interested party pursuant to 19 CFR 351.102(b)(29).

¹³ See, e.g., *Certain Cased Pencils from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review, and Intent To Revoke Order in Part*, 77 FR 42276 (July 18,

The petitioner states that it does not oppose the partial revocation request; however, because the petitioner did not indicate whether it accounts for substantially all of the domestic production of crystalline silicon photovoltaic cells, whether or not assembled into modules, we are not combining this notice of initiation with a preliminary determination, pursuant to 19 CFR 351.221(c)(3)(ii), but will provide interested parties with an opportunity to address the issue of domestic industry support with respect to this requested partial revocation of the orders, as explained below. After examining comments, if any, concerning domestic industry support, we will issue the preliminary results of these changed circumstances reviews.

Public Comment

Interested parties are invited to provide comments and/or factual information regarding these changed circumstances reviews, including comments on industry support and the proposed partial revocation language. Comments and factual information may be submitted to Commerce no later than ten days after the date of publication of this notice. Rebuttal comments and rebuttal factual information may be filed with Commerce no later than seven days after the comments and/or factual information are filed.¹⁴ All submissions must be filed electronically using Enforcement and Compliance's AD and CVD Centralized Electronic Service System (ACCESS).¹⁵ An electronically filed document must be received successfully in its entirety by ACCESS, by 5 p.m. Eastern Time on the due dates set forth in this notice.

2012), unchanged in *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review, and Determination To Revoke Order, in Part*, 77 FR 53176 (August 31, 2012).

¹⁴ Submission of rebuttal factual information must comply with 19 CFR 351.301(b)(2).

¹⁵ See, generally, 19 CFR 351.303.

Preliminary and Final Results of the Review

Commerce intends to publish in the *Federal Register* a notice of the preliminary results of the antidumping and countervailing duty changed circumstances reviews in accordance with 19 CFR 351.221(b)(4) and (c)(3)(i), which will set forth Commerce's preliminary factual and legal conclusions. Commerce will issue its final results of the changed circumstances reviews in accordance with the time limits set forth in 19 CFR 351.216(e). This initiation is published in accordance with section 751(b)(1) of the Act and 19 CFR 351.221(b)(1).

Dated: July 16, 2018.

Gary Taverman,
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations,
performing the non-exclusive functions and duties of the
Assistant Secretary for Enforcement and Compliance.
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